

# SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, July 18, 2007 - 3:30 p.m.

#### **PUBLIC HEARINGS – 5:30 P.M.**

# CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at <a href="https://www.ci.stpaul.mn.us/council">www.ci.stpaul.mn.us/council</a> and click on Watch the Live Webcast.

The meeting was called to order at 3:30 p.m. by Council President Lantry.

Present – 7 – Benany, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0

# **CONSENT AGENDA (Items 1 - 13)**

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Helgen removed Items 6 and 8 for separate consideration, and Councilmember Montgomery removed Item 7 for separate consideration.

Councilmember Helgen moved approval of the consent agenda as amended.

Adopted Yeas - 7 Nays - 0

#### COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- Claims of Nicole L. Cherry, Jonathan E. Dixon, Tyler W. Landon, Amy E. McCann, Judy E. Murray, Marnie K. Rainford, and Angela J. Tursso. Referred to Risk Management
- 2. Letter from the Department of Safety and Inspections announcing a public hearing before the City Council on August 1, 2007 to consider the appeal of John J. Rogers to a decision of the Planning Commission approving the site plan and variance to develop on slopes steeper than 12% in the River Corridor at 2108 Douglynn Lane. [ZF 07-113295]

3. Letter from the Office of the City Attorney announcing a rescheduled hearing before an Administrative Law Judge on Tuesday, July 31, 2007 at 9:30 a.m., Room 40B City Hall/Courthouse, 15 West Kellogg Boulevard, to consider all licenses held by Vone X. Moua and Mee Lee Moua, d/b/a Malina's Sports Bar and Grill, 691 Dale Street North.

#### FOR ACTION

Adopted

4. Resolution – 07-611 – Approving ISD #625 Employment Agreements (Professional Employees Association, Inc.; AFSCME District Council #5, Local No. 855; International Union of Operating Engineers, Local 70; and MN School Employees Association representing Classified Confidential Employees Association). (Laid over from July 11 for adoption) (GS 3041431)

Adopted Yeas - 7 Nays - 0

- 5. Resolution 07-624 Approving the Memorandum of Agreement between the City and AFSCME District Council #5 Local 1842, Technical Employees regarding on-call procedures and compensation. (To be laid over to July 25 for adoption) (GS 3041510) Laid over to July 25 for adoption Yeas 7 Nays 0
- 9. Resolution 07-628 Approving funding in the Department of Technology and Management Services for a backup media storage and fiber switches. (GS 3041393) Adopted Yeas 7 Nays 0
- 10. Resolution 07-629 Amending the spending and financing plans in the Department of Planning and Economic Development for the Metro Paint-a-Thon Program. (GS 3041530)

Yeas - 7

Nays - 0

11. Resolution – 07-630 – Authorizing the Division of Parks and Recreation to enter into an agreement with the Minnesota Department of Natural Resources to receive reimbursement for mechanical control of Eurasion Water Milfoil at Lake Phalen. (GS 3041195)

Adopted Yeas - 7 Nays - 0

- 12. Resolution 07-631 Authorizing the Department of Safety and Inspections to enter into a Grant Agreement with the Minnesota Historical Society to accept a grant in the amount of \$17,000 for consultant services. (GS 3041210)

  Adopted Yeas 7 Nays 0
- 13. Resolution Approving Assessment 07-632 In the matter of the assessment of benefits, cost, and expenses for summary abatement for the excessive consumption of inspection services for property code violations billed from February 1 to March 1, 2007 (J0702E);

demolitions of vacant buildings at 66-68 Stevens Street East and 657 Dale Street during June 2007 (J0708C); towing abandoned vehicles from private properties during March and April 2007 (J0703V); boarding-up vacant buildings during May, 2007 (J0704B); and setting date of public hearing for September 5, 2007. (GS 3041555)

Adopted Yeas – 7 Nays - 0

-----

6. Resolution – 07-625 – Approving the decision of the Legislative Hearing Officer on appeals for property at 985 Rice Street. (GS3041652)

Councilmember Helgen moved this item be laid over to August 1 for public hearing. Laid over to August 1 for public hearing Yeas – 7 Nays - 0

7. Resolution – 07-626 – Authorizing the Police Department to enter into a Memorandum of Understanding with AMICUS, Inc. to plan an action research project to address racial fairness in policing. (GS 3040411)

Councilmember Montgomery introduced Commander Steve Frazer, Training Director for the Police Department, and said she asked him to speak to the Council on this item.

Commander Frazer said he works with both the Police Department and citizens in training for racial fairness and he spoke to their plans to evaluate various vendors and universities in order to measure their training affects.

Councilmember Montgomery moved approval of the resolution.

Adopted Yeas - 7 Nays - 0

8. Resolution – 07-627 – Authorizing the Division of Parks and Recreation to use succeeding years' budgets for the Jimmy Lee/Oxford Pool remodel and addition project. (GS 3041155)

At the question of Councilmember Helgen, Bob Bierschied, Director of the Parks and Recreation Division, appeared and explained their request as it pertains to the Jimmy Lee/Oxford Pool.

Councilmember Harris said everyone wants this project to go forward but we need to know which budget funding it will come from.

Matt Smith, Budget Director, appeared and explained the City entered into a contract to complete the project, which draws from a pool with the exception of the remaining CIB Bond., and that Capital projects funding pool has already been budgeted for other projects but have not yet been expanded.

Councilmember Montgomery noted that this project has also received extensive funding from the NFL and she thanked them for their contribution to the community.

Councilmember Montgomery moved approval of the resolution.

Adopted Yeas - 7 Nays - 0

## FOR DISCUSSION

14. Presentation of awards to the City of Saint Paul by Minnesota Recreation and Park Association for three projects.

Randy Distad, Minnesota Recreation and Park Association, made a presentation to the Department of Parks and Recreation and gave them Awards of Excellence for the Upper Landing, Tropical Encounters, and Blooming Saint Paul Program projects.

Bob Bierschied, Director of Parks and Recreation, said he has a very talented staff, and he made special acknowledgement to both Mike Whaley and Jody Martinez thanking them for their dedication to these projects.

15. Resolution – 07-477 – Adopting a Summary of the Highland Park/District 15 Neighborhood Plan as an addendum to the City's Comprehensive Plan. (Laid over June 6 and July 5) (GS 3039615)

Councilmember Harris thanked all those involved in this Plan noting they put in a lot of time and hard work, and he moved approval of the resolution.

Adopted Yeas - 7 Nays - 0

16. Resolution – 07-555 – Subordinating the City's STAR Loan to \$400,000 of additional debt for improvements to the McNally-Smith Music College. (Laid over June 27 and July 5) (GS 3040751)

Councilmember Thune moved this item be laid over to August 1.

Laid over to August 1 Yeas - 7 Nays - 0

#### **ORDINANCES**

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

- 17. First Reading 07-633 An ordinance amending § 65.500 of the Legislative Code by adding a new section providing for the outdoor sales of consumer fireworks, and amending use tables in §§ 66.421 and 66.521 by adding consumer fireworks sales as a permitted use in certain districts. (GS 3041531)

  Laid over to July 25 for second reading
- 18. First Reading 07-634 An ordinance creating a new Chapter 201 which will permit the City to participate in a program that facilitates the sterilization of feral cats as a humane way of controlling the stray cat population. (GS 3041458)

  Laid over to July 25 for second reading

The meeting was recessed at 4:20 p.m. and reconvened at 5:37 p.m. for Public Hearings.

Present – 7 – Benany, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0

Councilmember Helgen moved the rules be suspended to consider an item not on the agenda. Adopted Yeas - 7 Nays - 0

First Reading – 07-650 – An ordinance amending the interim ordinance under CF No. 07-74, pursuant to Minn. Stat. § 462.355, Subd. 4 to preserve the status quo pending the completion and report of a study and possible action on the study including amending the City's zoning ordinances regulating advertising signs as they may pertain to retrofitting existing advertising signs with new "digital" or "electronic" panels by granting an exemption to the new Mississippi Creative Arts Magnet School for an electronic message center sign. Laid over to July 25 for second reading

# **PUBLIC HEARINGS**

19. Third Reading – 07-548 – An ordinance establishing interim zoning requirements for the Central Corridor area to implement the Development Strategy. (Laid over from June 27; amended July 11) (GS 3041055)

Councilmember Benanav distributed an amendment which added language on lines 119-124 that reads: 'Further, the currently pending site plan and related approvals for the Walgreen's and Big Top Liquors site are also exempted from the requirements of this interim ordinance provided that the owner agrees to construct a second story on the new

Walgreen's building proposed along side Snelling Avenue. However, the development of both buildings may, if the owner desires, take advantage of the Parking Requirements provided in the interim ordinance. A proposed auto sales use at 670 Pelham is also explicitly exempt from the requirements of the interim ordinance.' Councilmember Benanav moved approval of adding the amended language. Yeas -7 Nays -0

Donna Drummond, PED staff, stated at last weeks Council meeting she presented her staff report on this issue and is present today to answer any questions Council may have.

Veronica Burt, 765 6<sup>th</sup> Street East, appeared and spoke in opposition to the ordinance. She said years ago the neighborhood went through the reconstruction of I-94 and it's now a very poor community. She said this is a low-impact community which needs to take more time for care and attention and to build more neighborhood confidence.

Randy Schubring, 594 Griggs Street N., appeared and spoke in support of the ordinance noting he is present today in the capacity as President of the Hamline Midway Coalition, Board Chair of University UNITED, and as a neighborhood resident. He said he knows the history of the Avenue which includes retail, business and housing and he supports the Central Corridor.

Susan Kimberly appeared in support as a consultant to the Saint Paul Area Chamber of Commerce. She said although they have some concern with points of the overlay, they see this as a reasonable compromise.

Theresa Heiland, 1570 Concordia Avenue, appeared on behalf of District Council 13 and read their resolution in support of the ordinance.

Dave VanHattum, 757 Selby Avenue (NOTE: vacant land owned by the HRA), appeared on behalf of Transit for Livable Communities and spoke in support of the interim ordinance. He said they believe a reasonable compromise has been reached, this is a critical project and we need to move forward.

Bernie Hess, 1602 Thomas Avenue, appeared on behalf of the United Food and Commercial Union, and spoke in support of the ordinance stating it will create many jobs and urged the Council to move forward.

Lori Fritts, 2153 Knapp Street, stated she is President of the Midway Chamber of Commerce and spoke in support of the ordinance, and encouraged the Council to remain flexible as the project proceeds.

Tim Erickson, 3701 Abbott Avenue South, Minneapolis, Minnesota, appeared on behalf of the owners of the Court International Building and the Case Distribution Center and

expressed their support for the interim ordinance.

No one else appeared and Councilmember Benanav moved the public hearing be closed. Adopted Yeas - 7 Nays - 0

Councilmember Benanav moved to close the public with the exception of the amended language offered and approved on this item today to be laid over to the August 1<sup>st</sup> meeting.

At Councilmember Montgomery's acknowledgement of people in attendance who wanted to be heard on this matter, Councilmember Benanav moved the public hearing be reopened to hear further testimony. Adopted Yeas-7 Nays-0

David Taylor, 2483 Valley View Avenue, appeared stating he was representing St. Phillips Episcopal Church located on Aurora at Mackubin. He stated the church is looking into an expansion program and had concern if this ordinance would affect that expansion, and Donna Drummond stated this ordinance exempts building additions.

No one else appeared, and Councilmember Benanav moved to re-close the public hearing with the exemption of today's amendments to be heard at the public hearing on August 1.

Amended and laid over to August 1 for a public hearing on the amendments and final adoption on August 8 Yeas - 7 Nays - 0

Councilmember Benanav said he is very grateful to Councilmember Montgomery for her hard work on this issue as well as the community and the Council and said this is a remarkable feat.

20. Third Reading – 07-566 – An ordinance amending Section 411.04 of the Saint Paul Legislative Code to limit Class B and C Entertainment licenses to establishments holding Intoxicating Liquor licenses. (GS 3041017)

No one appeared in opposition, and Councilmember Helgen moved the public hearing be closed. Yeas -7 Nays -0 Laid over to July 25 for final adoption

(Councilmember Montgomery left the meeting and returned at a later time)

21. Resolution – 07-635 – Approving the application of Irish Fair of Minnesota, Inc. for a sound level variance in order to present amplified music, with limitations, from 10:00 a.m. to 10:00 p.m. on August 10, 11, and 12, 2007 at Harriet Island Regional Park, 151 Water Street. (GS 3041231)

No one appeared in opposition, and Councilmember Thune moved approval of the resolution.

Adopted Yeas - 6 Nays - 0

22. Resolution – 07-636 – Authorizing approval for the Multi-Family Revenue Bonds in the amount of \$7,000,000 for the Winnipeg Project, located on Rice Street. (GS 3041430)

Andrew Pitchard representing SPARC, appeared and presented background information and urged Council to approve the resolution.

No one else appeared, and Councilmember Helgen moved the public hearing be closed and the resolution adopted.

Adopted Yeas - 6 Nays - 0

(Councilmember Montgomery returned to the meeting)

23. Resolution – 07-637 – Adopting the Summary of the District 10/Como Plan as part of the City's Comprehensive Plan. (GS 3041232)

Councilmember Benanav referred to page 5 of the Comprehensive Plan and moved that the reference establishing a horse patrol stable be revoked from the Plan.

Adopted Yeas - 7 Nays - 0

Duke Addicks, 1453 Hoyt Avenue, spoke in support of the reference to the horse stable in the Plan be removed.

Valerie Cunningham, 1416 Frankson Avenue, appeared and agreed language pertaining to the horse stable should be removed.

Katie Plese, 1580 Griggs Street North, and said there hasn't been enough public input into this Plan and urged Council to lay it over to be able to get as much input as possible.

Sue Cheney, 1384 E. Como Boulevard, spoke in opposition to the horse stable being a part of the Plan, and she thanked Councilmember Benanav for his earlier motion that it be revoked.

Deb Robinson, 1434 E. Como Boulevard, also thanked Councilmember Benanav for the amendment he made removing language pertaining to the stable and although she feels it should be in Saint Paul this is not the location for it.

No one else appeared, and Councilmember Benanav moved the public hearing be closed.

Adopted Yeas - 7 Nays - 0

After a brief discussion it was determined other residents were in attendance to be heard on this matter, and Councilmember Benanav moved the public hearing be reopened.

Adopted Yeas - 7 Nays - 0

Nathan Jolz, 1623 Dunlap Street North, and distributed letters in support of the horse patrol and stable, and he said he feels this process has suffered.

Sue McCall, 1224 N. Lexington Parkway, said she is a member of the District 10 Community Council and spoke regarding the stables saying she believes the amendment made today begs more questions than answers.

Nancy Sabin, 681 Wheelock Parkway and representing the Jacob Wetterling Foundation, said it was never intended for the stable to be located in Como Park because of lack of security and increased traffic it would cause.

No one else was present to appear, and Councilmember Benanav closed the public.

Adopted Yeas - 7 Nays - 0

Councilmember Benanav acknowledged the outstanding work that staff of District 10 did on this Plan and it includes outstanding idea, and he moved approval of the resolution, noting the Comprehensive Plan was amended. After a brief discussion, roll call was taken.

Adopted (the Comprehensive Plan was amended) Yeas – 7 Nays - 0

Councilmember Benanav moved the rules be suspended to consider an item not on the agenda.

Adopted Yeas - 7 Nays - 0

Resolution - 07-651 - Requesting the Administration conduct a Feasibility Study of locating a mounted patrol facility within the City of Saint Paul.

Councilmember Benanv moved approval of the resolution.

Adopted Yeas - 7 Nays - 0

24. Resolution – 07-638 – Adopting the Summary of the Railroad Island Plan as part of the City's Comprehensive Plan. (GS 3041233)

Yang Zhang appeared and presented the Department of Planning and Economic Department's staff report.

Linda Arnesen, 576 Payne Avenue, appeared as Chair of the Railroad Island Task Force and spoke in support of the resolution.

(Councilmember Benanav left and returned at a later point in the meeting)

Ryan Kapaun, 776 Geranium Avenue, appeared as President of the Payne-Phalen District Council, spoke in support of the resolution, and thanked staff and neighbors for their work on the Railroad Island Plan.

No one else appeared, and Councilmember Thune thanked everyone for their dedication and said this is a new future for the neighborhood.

Councilmember Thune moved approval of the resolution. Adopted (the Comprehensive Plan was amended) Yeas -6 Nays -0 (Benanav not present)

(Councilmember Helgen left and returned at a later point in the meeting)

25. Public hearing to consider the report of the Administrative Law Judge concerning the Auto Repair Garage License and Second Hand Dealer-Motor Vehicle License held by Heartland Auto Sales, 1236 Arcade Street.

Rachel Gunderson of the City Attorney's Office appeared and presented her staff report in support of the ALJ report with the exception of their recommendation to delete Finding of Fact #21 and Conclusion of Law #15.

(Councilmember's Benanav and Helgen returned to the meeting)

The Attorney representing Heartland Auto Sales distributed a letter to Council addressing errors in the ALJ's report, and he presented both a short and long-term solution to the issues addressed.

No one appeared in opposition.

Ryan Kapaun, 776 Geranium Avenue, appeared as President of the Payne-Phalen District Council, spoke in support of the ALJ report stating there have been consistent complaints about this property and urged Council to take the strongest action possible against the licenses.

No one else appeared, and Councilmember Bostrom moved the public hearing be closed. Adopted  $Yeas-7 \qquad Nays-0$ 

Councilmember Bostrom moved to approve the recommendation of the ALJ with the exception of Finding of Fact #21 and Conclusion of Law #15, impose the recommended fine of \$2,000 and a thirty (30) day closure with a twenty-five (25) day stay, provided there are no other violations within the next twenty-four (24) months.

Adopted

Yeas - 7

Nays - 0

26. Public hearing to consider the report of the Administrative Law Judge concerning all licenses held by Hmong American Partnership, 1075 Arcade Street.

Rachel Gunderson of the City Attorney's Office presented her staff report and recommended approval of the ALJ report with the exception of Finding of Fact #6.

Tamara Dean, Attorney representing the Hmong American Partnership, appeared and urged Council to accept fully the ALJ report with no disciplinary actions, and she answered various questions of Councilmember's.

No one else appeared, and Councilmember Bostrom moved the public hearing be closed.

Adopted

Yeas - 7

Nays - 0

Councilmember Bostrom moved this item be laid over one week to July 25.

Yeas - 7

Nays - 0

27. Resolution Ratifying Assessment – 07-639 – In the matter of the assessment of benefits, cost, and expenses for Tenant Remedy Action Rehabilitation for properties at 1250 3<sup>rd</sup> Street East and 507 Van Buren Avenue. [TR0703] (GS 3040379)

No one appeared in opposition, and Councilmember Montgomery moved the public hearing be closed and the resolution be adopted.

Adopted

Yeas - 7

Nays - 0

(Councilmember Thune left and returned to the meeting at a later point)

28. Resolution Ratifying Assessment – 07-640 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections, at the request of the property owners, in conjunction with improving Burlington Road from Totem Road to Totem Road. [File No. 19019C] (GS 3040494)

No one appeared in opposition, and Council President Lantry moved the public hearing be closed and the resolution be adopted.

Adopted

Yeas - 6

Nays -0 (Thune not present)

29. Resolution Ratifying Assessment – 07-641 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections, at the request of property owners, in conjunction with improving Minnehaha Avenue from Dale Street to Arundel Street. [File No. 19022C] (GS 3040790)

No one appeared in opposition, and Councilmember Montgomery moved the public hearing be closed and the resolution be adopted.

Adopted Yeas - 6 Nays - 0 (Thune not present)

30. Resolution Ratifying Assessment – 07-642 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections, at the request of property owners, in conjunction with improving Selby Avenue from Victoria Street to Avon Street. [File No. 19026C] (GS 3040791)

No one appeared in opposition, and Councilmember Montgomery moved the public hearing be closed and the resolution be adopted.

Adopted Yeas - 6 Nays - 0 (Thune not present)

31. Resolution Ratifying Assessment – 07-643 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property cleanup) at 918 Westminster on April 10, 2007. (Laid over from June 20) (GS 3041130) (Legislative Hearing Officer recommends reducing the assessment from a total of \$358 to a total of \$258 and spreading the payments over three (3) years)

No one appeared in opposition, and Councilmember Helgen moved the public hearing be closed and the resolution be adopted as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 6 Nays - 0 (Thune not present)

32. Resolution Ratifying Assessment – 07-644 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property cleanups) at 1220 Sylvan Street and 1449 University Avenue West [J0707A1] (Laid over from July 5) (GS 3041592) (Legislative Hearing Officer recommends the following:

<u>1220 Sylvan Street</u> (J0707A1X) - approve the assessment; and <u>1449 University Avenue West</u> (J0707A1X) - delete the assessment.)

No one appeared in opposition, and Councilmember Helgen moved the public hearing be closed and the resolution adopted as amended.

Yeas -6 Nays -0 (Thune not present)

(Councilmember Thune returned to the meeting at this point)

33. Resolution Ratifying Assessment – 07-645 – In the matter of the assessment of benefits, cost, and expenses for summary abatement for the excessive consumption of inspection services for property code violations billed during November 27, 2006 to January 30, 2007. [J0701E1] (Laid over from July 5) (GS 3041563) (Legislative Hearing Officer recommends the following:

457 Charles Avenue (J0701E) - Approve the assessment in the amount of \$70 and delete the assessment in the amount of \$95;

<u>123 Sycamore Street West</u> (J0701E) - recommendation is forthcoming <u>approve the</u> assessment; and

829 Third Street East (J0701E) - approve the assessment.)

Marcia Moermond, Legislative Hearing Officer, referred to 123 Sycamore Street West and explained her recommendation to approve the assessment.

No one appeared in opposition, and Councilmember Helgen moved the public hearing be closed and the resolution be adopted as amended (per the recommendation of the Legislative Hearing Officer).

Adopted Yeas - 7 Nays - 0

34. Resolution – 07-646 – Ordering the owner to remove or repair the property at 851 Conway Street within fifteen days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming) (GS 3040598)

Marcia Moermond, Legislative Hearing Officer, explained her recommendation that the property be removed with option to repair within fifteen (15) days.

Amy Hanford appeared representing the property owner and spoke in opposition to the Legislative Hearing Officer's recommendation. She stated she went to the property but was unable to gain access and she would like the opportunity to view it.

Jacob Dorer, 988 McLean Avenue, said he is a member of the District Council, and although he has seen the exterior of the property he has not seen the interior, and he urged Council to lay this matter over for two weeks.

No one appeared, and Council President Lantry moved the public hearing be closed and the resolution laid over to August 1st. Yeas - 7 Nays - 0

35. Resolution – 07-647 – Ordering the owner to remove or repair the property at 343 Maple Street within fifteen days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming) (GS 3040596)

Marcia Moermond, Legislative Hearing Officer, stated all requests have been met by the property owner, and she recommended Council allow 120 days for rehabilitation to be completed.

No one appeared in opposition, and Council President Lantry moved the public hearing be closed and the resolution adopted per the recommendation of the Legislative Hearing Officer.

Adopted as amended with owner to complete rehabilitation within 120 days (per the recommendation of the Legislative Hearing Officer) Yeas -7 Nays -0

36. Resolution – 07-648 – Ordering the owner to remove the property at 80 Sycamore Street within fifteen days from adoption of resolution. (Legislative Hearing Officer recommends approval) (GS 3040595)

Marcia Moermond, Legislative Hearing Officer, presented her staff report stating this is a non-conforming 3-plex and not a duplex. She stated that Steven Mackey, representing Access Bank, is present to address the Council, but she urged Council to not grant any additional time to this property.

Steve Mackey appeared stating he is an attorney representing Access Bank and he presented some background information on this property and requested time so they could revisit the property.

No one else appeared, and Councilmember Helgen moved the public hearing be closed. Yeas -7 Nays -0

Councilmember Helgen said given the history of this property and its current condition, he sees no reason to intervene and moved approval of the resolution as recommended by the Legislative Hearing Officer.

Councilmember Benanav said this is a property that someone wants to save, and he suggested a two week period be given to allow for a plan to be submitted.

After further discussion, Councilmember Helgen moved approval of the resolution with property to be removed within fifteen (15) days with no option to repair.

Adopted (per the recommendation of the Legislative Hearing Officer) Yeas – 7 Nays - 0

37.	Resolution – 07-649 – Ordering the owner to remove or repair the property at 614 Wells Street within fifteen days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming) (GS 3040594)  Marcia Moermond, Legislative Hearing Officer, presented her staff report recommending the property be removed or repaired within fifteen (15 days).	
		n, and Councilmember Bostrom moved the public hearing $Nays - 0$
	removed within five (5) days	wed the resolution be adopted with the amendment that it be with no option for repair.  Yeas $-7$ Nays $-0$
38.	Appeal of John Polski, on behalf of the personal representative for the estate of Lawrence Zimmerman, to a Vacant Building Registration Notice for property at <a href="167">167 Congress</a> <a href="167">Street West</a> . <a href="Withdrawn">Withdrawn</a>	
Counc Adopte	ilmember Bostrom moved to a ed Yeas – 7 Nays –	ů
ATTE	ST:	ADJOURNED at 8:30 P.M.
-	Erickson ant Council Secretary	Kathy Lantry, Council President
Submitted by:		September 19, 2007
Pattie Kelley		Minutes approved by Council